

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**Child and Family Services Agency**



**Administrative Issuance:** CFSA-21-2

TO: CFSA staff, private provider staff, and resource providers  
FROM: Ann Reilly, Deputy Director for Program Operations *AR*  
DATE: November 17, 2021  
RE: Informed Consent for COVID-19 Vaccination for Children and Youth Served in Out-of-Home Care

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COVID-19 vaccines are currently the most life-saving protection against the virus, and the DC Child and Family Services Agency (CFSA) is committed to helping children and youth in our custody obtain the protections that vaccination against COVID-19 affords. This administrative issuance outlines the process for seeking informed consent for the COVID-19 vaccine for children under 18 years old in CFSA's care within the parameters of the [Minor Consent for Vaccinations Amendment Act of 2020](#). CFSA requires children under 18 years of age to get regularly scheduled vaccines when the vaccines are listed on the Centers for Disease Control and Prevention's (CDC) recommended vaccination schedule and when the birth parent, or other adult with legal authority to consent to medical care for the child, has provided consent.<sup>1</sup> The CDC recommends that individuals ages five years and older should get a COVID-19 vaccination to help protect against the virus. CFSA encourages that children receive the vaccine.

Resource providers are not permitted to consent to the administration of any vaccine, including the COVID-19 vaccine, for a child under 18 years old in the care of CFSA, unless an exception exists, such as the termination of parental rights. Youth ages 18 through 21 are permitted under law to provide consent, unless they are developmentally incapable of doing so.<sup>2</sup> Effective March 16, 2021, the District law entitled [Minor Consent for Vaccinations Amendment Act of 2020](#) allows children ages 11 to 17 to provide informed consent to vaccination.

For general questions about vaccinations, please email CFSA's Health Services Administration at [cfsa.healthservices@dc.gov](mailto:cfsa.healthservices@dc.gov). Specific questions may be directed to the child's social worker, or nurse care manager if one is assigned.

### **Approved and Emergency Use Authorization for Vaccines**

Informed consent to the COVID-19 vaccination applies to all vaccine manufacturers with both Emergency Use Authorization (EUA) and full approval status as determined by the federal Food and Drug Administration (FDA). The Advisory Committee on Immunization Practices (ACIP) provides advice and guidance regarding use of vaccines and endorses EUA for the COVID-19 vaccine.

For the latest status of vaccine recommendations by age group, please visit <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/recommendations/adolescents.html>. For current and future EUAs, CFSA will follow guidance from the CDC, the FDA, and DC Health. (*For further information about CFSA practice, please see the [Administrative Issuance about immunizations for children in foster care](#)*).

### **Informed Decisions**

Vaccine recipients or their caregivers must make the decision to receive a vaccine based on choice, which requires the decision to be voluntary and that the patient or caregiver has the capacity to understand information and communicate decisions.

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<sup>1</sup> The CDC [recommended vaccination schedule](#) is available at <https://www.cdc.gov/vaccines/schedules/easy-to-read/adolescent-easyread.html>.

<sup>2</sup> Development capability refers to the youth's ability to consciously recognize, understand, and articulate their understanding in adult terms.

The FDA requires that children or their caregivers receive vaccine-specific information to help them make an informed decision about getting vaccinated. Health services providers should provide information to parents and caregivers, and to children in a developmentally appropriate way that respects the child's cognitive ability and engages the child in decision-making to the extent possible regarding consent. Specifically, the health services provider must communicate to the child or their caregiver information consistent with the "Fact Sheet for Recipients and Caregivers" prior to the child receiving the Pfizer-BioNTech COVID-19 Vaccine.<sup>3</sup>

## Minor Consent for Vaccinations

Under the District law entitled [Minor Consent for Vaccinations Amendment Act of 2020](#), children ages 11 through 17 can provide consent for vaccination and access their vaccination record without parental consent. A parent's use of a religious exemption will not remove the child's right to consent to vaccination. The law provides that a minor, 11 years of age or older, may consent to receive a vaccine if the child is capable of meeting the informed consent standard, the vaccine is recommended by the United States Advisory Committee on Immunization Practices ("ACIP"), and it will be provided in accordance with ACIP's recommended immunization schedule. A child meets the informed consent standard if they are able to comprehend the need for, the nature of, and any significant risks related to the vaccine. This law does not negate the Agency's ability to first seek parental consent; rather, it provides an avenue for consent when a parent or caregiver does not consent.

## Obtaining Consent for COVID-19 Vaccination

### 1. Parental consent

Unless parental rights have been terminated, the Agency will seek to obtain parental consent for vaccination.

- a. Social workers will ensure that parents receive the "[Fact Sheet for Recipients and Caregivers](#)" before obtaining their consent to ensure they are making an informed decision about their child receiving the COVID-19 vaccine.
- b. When a parent reviews information about the COVID-19 vaccine and agrees to consent, the social worker shall provide the parent the [Informed Consent for the COVID-19 Vaccine form](#) to sign. A copy of the form must be kept in the child's case file and shall be documented in FACES.net.
- c. Where a parent refuses or is unable to provide consent for the vaccination, the social worker shall document their efforts to obtain consent in FACES.net.

*Note: A resource provider may not consent to the administration of the COVID-19 vaccine for a child in CFSA's care. Additionally, a resource provider may not prohibit immunizations of children in care for any reason. See [FAQ documents on Immunizations for Children and Youth in Foster Care](#).*

### 2. Medical decision maker consent

If parental rights are otherwise intact, but a medical decision maker has been designated, the Agency will seek the designee's consent for vaccination.

- a. Social workers will ensure that medical decision makers receive the "[Fact Sheet for Recipients and Caregivers](#)" before obtaining their consent to ensure they are making an informed decision about the child receiving the COVID-19 vaccine.
- b. When a medical decision maker reviews information about the COVID-19 vaccine and agrees to consent, the social worker shall provide the [Informed Consent for the COVID-19 Vaccine form](#) to sign. A copy of the form must be kept in the child's case file and shall be documented in FACES.net.
- c. Where a medical decision maker refuses to provide consent for the vaccination, the social worker shall document their efforts to obtain consent in FACES.net.

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<sup>3</sup> COVID-19 Emergency Use Authorization Recipient and Caregiver Fact Sheets for the Pfizer-BioNTech COVID-19 vaccine, in various languages, can be found on the FDA website at <https://www.fda.gov/emergency-preparedness-and-response/coronavirus-disease-2019-covid-19/pfizer-biontech-covid-19-vaccine>.

### 3. Agency consent

Where parental rights have been terminated, the Agency will seek the primary care provider's assistance in obtaining the child's informed consent for vaccination.

- a. Social workers shall ensure a visit (in-person or virtual) occurs with the child and the primary care provider as appropriate to determine the medical necessity of the COVID-19 vaccine for the child.
- b. Social workers will ensure that age- and developmentally-appropriate information about the COVID-19 vaccine is provided to the child by the primary care provider. This information must be shared with the child before the vaccine is administered to the child. The primary care provider must confirm that the child understands that they are making an informed decision about their consent to receive the vaccine.
- c. When the child reviews information about the COVID-19 vaccine and agrees to consent, the social worker shall ensure that the child signs an [Informed Consent for the COVID-19 Vaccine form](#), whether provided by the primary care provider or CFSA. A copy of the form must be kept in the child's case file and shall be documented in FACES.net.
- d. If the child consents, the primary care provider will administer the vaccine or advise on options for getting the vaccine.
- e. Where a youth refuses to provide consent for the vaccination, the social worker shall document their efforts to obtain consent in FACES.net.

### 4. Children age 11 through 17

If a child, age 11 through 17, requests to be vaccinated against COVID-19, and the Agency has not obtained parental consent, CFSA will ensure that the child meets with their primary care provider.

- a. Social workers will ensure that age- and developmentally-appropriate information about the COVID-19 vaccine is provided to the child by the primary care provider. This information must be shared with the child before the vaccine is administered to the child. The primary care provider must confirm that the child understands that they are making an informed decision about their consent to receive the vaccine.
- b. When a child reviews and understands information about the COVID-19 vaccine and agrees to consent, the social worker shall ensure that the child signs an [Informed Consent for the COVID-19 Vaccine form](#), whether provided by the primary care provider or CFSA. A copy of the form must be kept in the child's case file and shall be documented in FACES.net.
- c. If the child consents, the primary care provider will administer the vaccine or advise on options for getting the vaccine.
- d. Where a child refuses to provide consent for vaccination, the social worker shall document their efforts to obtain consent in FACES.net.

*Note: The Agency may transport or make transportation arrangements for the child to the location where the vaccine will be administered if it is not at the primary care provider's location.*

### 5. Youth age 18 through 21

Youth, who are of age and developmentally capable, may consent to vaccination.

- a. Social workers will ensure that youth receive the "Fact Sheet for Recipients and Caregivers" before obtaining their consent to ensure they are making an informed decision about receiving the COVID-19 vaccine.
- b. When a youth reviews information about the COVID-19 vaccine and agrees to consent, the social worker shall provide the [Informed Consent for the COVID-19 Vaccine form](#) to sign. A copy of the form must be kept in the youth's case file and shall be documented in FACES.net.
- c. Where a youth refuses to provide consent for vaccination, the social worker shall document their efforts to obtain consent in FACES.net.